

SOUTH KOREA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Apr 78	Territorial Sea Law No. 3037	12nm	Limited to 3nm in western channel of Korea Strait.
	Sep 78	Presidential Decree No. 9162		Foreign warships or non-commercial government vessels must give 3 days prior notification, except in straits used for international navigation that lack high-seas corridors.
				This requirement is not recognized by the U.S. U.S. protested requirement in 1979.
	Dec 95	Law No. 4986	12nm	Amended Law No. 3037. Prior notification requirement for foreign warships or non-commercial government vessels retained.
	Jul 96	Enforcement Decree of Territorial Sea & Contiguous Zone Act, Presidential Decree No. 15133		Reiterated 3 day prior notice requirement for foreign warships and non-commercial government vessels for innocent passage in territorial sea. Breadth of territorial sea in the Korea Strait established by fixed points
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Apr 78	Territorial Sea Law No. 3037		Enabling legislation for straight baselines.
	Sep 78	Presidential Decree No. 9162		Established straight baselines; see LIS No. 82.
III. CONTIGUOUS ZONE	Dec 95	Territorial Sea & Contiguous Zone Act, Law No. 4986	24nm	
	Jul 96	Enforcement Decree of Territorial Sea & Contiguous Zone Act, Presidential Decree No. 15133		
IV. CONTINENTAL SHELF	Jan 52	Presidential Proclamation		
V. FISHING ZONE/EEZ	Dec 54	Law No. 298		Established coordinates for Fishing zone; licensing requirements.
	Dec 65	Fisheries Agreement with Japan	12nm	Exclusive fishing zone.
	Feb 96	Exclusive Economic Zone Act No. 5151	200nm	EEZ declared.
	Sep 96	Presidential Decree No. 15145		Caused Act No. 5151 to enter into force on Sep 10, 1996.

TYPE	DATE	SOURCE	LIMITS	NOTES
VI. ENVIRONMENTAL REGULATION	Dec 77	Marine Pollution Control Law	12nm	
VII. MARITIME BOUNDARIES	Jun 78	Agreement		Continental shelf boundary and joint development zone agreement with Japan EIF; see LIS No. 75.
VIII. LOS CONVENTION	Mar 83			Signed.
	Jan 96			Became party to Convention and Part XI Agreement.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. Following are extracts from Presidential Decree No. 9162 of 20 September 1978 establishing the Republic of Korea's straight baseline system:

ANNEX NO. 1 - WATERS TO WHICH STRAIGHT LINE IS APPLIED AND THE BASE POINTS THEREOF

WATER AREA	BASE POINT	GEOGRAPHICAL DESIGNATION	LATITUDE AND LONGITUDE
Yongil-man (Yongil Bay)	1	Talman-gap (Talman Point)	N 36° 06' 05" E 129° 26' 06"
	2	Changgi-gap (Changki Point)	N 36° 05' 19" E 129° 33' 36"
Ulsan-man (Ulsan Bay)	3	Hwaamchu'u	N 35° 28' 13" E 129° 24' 39"
	4	Pomwol-gap (Pomwol Point)	N 35° 25' 45" E 129° 22' 16"
Namhaean (South Coast)	5	1.5 meter rock	N 35° 09' 59" E 129° 13' 12"
	6	Saeng-do (south end)	N 35° 02' 01" E 129° 05' 43"
	7	Al-som	N 34° 31' 52" E 128° 44' 11"
	8	Kanyoam (Kanyo Rock)	N 34° 17' 04" E 127° 51' 25"

WATER AREA	BASE POINT	GEOGRAPHICAL DESIGNATION	LATITUDE AND LONGITUDE
	9	Habaek-do	N 34° 01' 38" E 127° 36' 48"
Sohaeon (West Coast)	10	Komun-do	N 34° 00' 07" E 127° 19' 35"
	11	Yosodo	N 33° 57' 56" E 126° 55' 39"
	12	Changsudo (island)	N 33° 54' 55" E 126° 38' 25"
	13	Cholmyong-i	N 33° 51' 54" E 126° 18' 54"
	14	Sohuksando	N 34° 02' 40" E 125° 07' 34"
	15	Sokukhul-do (Northwest of (Sohuksando island)	N 34° 06' 51" E 125° 04' 42"
	16	Hong-do	N 34° 40' 18" E 125° 10' 25"
	17	Nop'un-som (West-North of Hong-Do)	N 34° 43' 03" E 125° 11' 25"
	18	Hoeng-do	N 35° 20' 03" E 125° 59' 14"
	19	Sangwangdung-do	N 35° 39' 30" E 126° 06' 16"
	20	P'i-som	N 35° 53' 10" E 126° 04' 15"
	21	Och'ong-do	N 36° 07' 05" E 125° 58' 11"
	22	Kyongnyolbi-yolto	N 36° 36' 36" E 125° 32' 30"
	23	Soryong-do	N 36° 58' 38" E 125° 45' 02"

ANNEX NO. 2 - THE OUTER BOUNDARY OF THE TERRITORIAL SEA
IN THE KOREA STRAIT

1. A line three nautical miles from the straight line connecting, in order, Base Point #5 (1.5 meter rock), Base Point #6 (Saeng-do), and Base Point (Al-som), specified in Annex 1.
2. From the point where a line drawn at 127° from Point #5 in Annex 1 (1.5 meter rock) intersects line described in paragraph 1 above, a line drawn at 93° to the point where it intersects the 12 nautical mile line.
3. From the point where a line drawn at 120° from Base Point #7 in Annex 1 (Al-som Island) intersects with the line described in paragraph 1 above, a line drawn at 172° to the point where it intersects the 12 nautical mile line.

B. ANALYSIS. The following comments regarding the South Korean straight baseline system are extracted from Limits in the Seas, No. 82, "Straight Baselines: Republic of Korea," published by the Geographer, Department of State, 22 January 1979:

The straight baseline system does not constitute a single, continuous system (see attached map). The four distinct systems that have been identified in the decree enclose Yongil-man, Ulsan-man, southern coastal waters, and western coastal waters.*. . .

Bay closing lines constitute the first two Korean baseline systems. Segment 1-2, 6.13 miles in length,* closes off Yongil-man, which is located on the central part of Korea's east coast. Ulsan-man, situated along the southeastern coast, has a closing line (segment 3-4) extending for 3.14 miles.

The third and fourth baseline systems connect islands and rocks off the southern and western coast for the Republic of Korea. Segments 5-6 through 13-14 constitute the third system, which is 236.7 miles in length. Segment 5-6 runs along the western channel of the Korea Strait before turning in a westerly direction. The islands of Cheju-do, Hwa-do and Haeam-so are not included in the straight baseline system.

The fourth baseline system begins on Sokukhul-do and continues northward for 199.47 miles along the fringing islands and rocks off South Korea's west coast. The final basepoint, number 23 on Soryong-do, is situated approximately 21 miles from the nearest mainland point. The claimed limit between South Korean internal waters and South Korean territorial sea northeast of this point is not determined. . . .

In terms of international concern, at least two critical areas can be identified: the western channel of the Korea Strait and Cheju Hachyop. These straits are two of a number of international straits in the region. The western channel of the Korea Strait runs between South Korea, on the west, and the Japanese island on Tsushima, on the east. Although both Japan and South Korea claim 12-mile territorial seas, each country has made provision in its law limiting the territorial seas in the western channel to less than 12 miles.* The effect of the two actions has been to retain a "high seas" corridor throughout the Western Channel. By establishing a straight baseline system in this area, however, Korea has narrowed the high seas corridor.

The establishment of a baseline system in the Cheju Hachyop, when coupled with South Korea's new territorial sea law, has the effect of placing the entire Cheju Hachyop within the South Korean territorial sea. Article 4 of Presidential Decree No. 9162 requires warships to give notification prior to transiting South Korea's territorial sea: a provision the United States and many other states refuse to recognize. The provision, however, does not apply if the waters "constitute a strait used for international navigation in which there is no high seas area."

c. MARITIME BOUNDARIES

AGREEMENT BETWEEN JAPAN AND SOUTH KOREA CONCERNING THE ESTABLISHMENT OF BOUNDARY OF THE NORTHERN PART OF THE
CONTINENTAL SHELF ADJACENT TO THE TWO COUNTRIES

Article 1

1. The boundary line between that part of the continental shelf appertaining to Japan and that part of the continental shelf appertaining to the Republic of Korea in the northern part of the continental shelf adjacent to the two countries shall be straight lines connecting the following points in the sequence given below:

POINTS	LATITUDE (N)	LONGITUDE (E)
1	32°57.0'	127°41.1'
2	32°57.5'	127°41.9'
3	33°01.3'	127°44.0'
4	33°08.7'	127°48.3'

POINTS	LATITUDE (N)	LONGITUDE (E)
5	33°13.7'	127°51.6'
6	33°16.2'	127°52.3'
7	33°45.1'	128°21.7'
8	33°47.4'	128°25.5'
9	33°50.4'	128°26.1'
10	34°08.2'	128°41.3'
11	34°13.0'	128°47.6'
12	34°13.0'	128°52.8'
13	34°18.5'	128°53.3'
14	34°24.5'	128°57.3'
15	34°27.6'	128°59.4'
16	34°29.2'	129°00.2'
17	34°32.1'	129°00.8'
18	34°32.6'	129°00.8'
19	34°40.3'	129°03.1'
20	34°49.7'	129°12.1'
21	34°50.6'	129°13.0'
22	34°52.4'	129°15.8'
23	34°54.3'	129°18.4'
24	34°57.0'	129°21.7'
25	34°57.6'	129°22.6'
26	34°58.6'	129°25.3'
27	35°01.2'	129°32.9'
28	35°04.1'	129°40.7'
29	35°06.8'	130°07.5'
30	35°07.0'	130°16.4'
31	35°18.2'	130°23.3'
32	35°33.7'	130°34.1'
33	35°42.3'	130°42.7'
34	36°03.8'	131°08.3'
35	36°10.0'	131°15.9'

Article III

This Agreement shall not affect the legal status of the superjacent waters or air space above.

AGREEMENT BETWEEN JAPAN AND THE REPUBLIC OF KOREA CONCERNING JOINT DEVELOPMENT OF THE CONTINENTAL
SHELF ADJACENT TO THE TWO COUNTRIES

POINTS	LATITUDE (N)	LONGITUDE (E)
1	32°57.0'	127°41.1'
2	32°53.4'	127°36.3'
3	32°46.2'	127°27.8'
4	32°33.6'	127°13.1'
5	32°10.5'	126°51.5'
6	30°46.2'	125°55.5'
7	30°33.3'	126°00.8'
8	30°18.2'	126°05.5'
9	28°36.0'	127°38.0'
10	29°19.0'	128°00.0'
11	29°43.0'	128°38.0'
12	30°19.0'	129°09.0'
13	30°54.0'	129°04.0'
14	13°13.0'	128°50.0'
15	31°47.0'	128°50.0'
16	31°47.0'	128°14.0'
17	32°12.0'	127°50.0'
18	32°27.0'	127°56.0'
19	32°27.0'	128°18.0'
20	32°57.0'	128°18.0'
1	32°57.0'	127°41.1'